

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY JACKSON-EL,
Plaintiff,

No. 1:11-cv-53

-v-

HONORABLE PAUL L. MALONEY

JOSEPH G. SCOVILLE,
Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING ACTION

Plaintiff Jackson filed suit against Magistrate Judge Joseph Scoville, claiming his Due Process rights when Magistrate Judge Scoville issued a report and recommendation in another case involving Plaintiff. Magistrate Judge Ellen Carmody reviewed the complaint pursuant to 28 U.S.C. § 1519(e)(2), and issued a report recommending the complaint be dismissed. (ECF No. 5.) Plaintiff filed an objection (ECF No. 6) and an amended complaint (ECF No. 7.)

Having reviewed the record, the report is **ADOPTED**, over objections, as the opinion of this court. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Scoville enjoys absolute judicial immunity for actions taken in his capacity as a judge. Without concluding that Plaintiff was entitled to file an amended complaint, the court finds that the amended complaint fails to overcome this same hurdle. The amended complaint does not state a claim upon which relief may be granted.

Accordingly, the complaint is **DISMISSED**. The court finds any appeal would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

IT IS SO ORDERED.

Date: February 28, 2011

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge